Remarks

Claims 1, 2, 5-9, 12-17 and 19-27 are now pending in this application. Claims 1-3, 5-10, 12-17 and 19-27 are rejected. Claim 26 is indicated as being allowable if rewritten in independent form including all limitations of a base claim and any intervening claims. Claims 3, 4, 10, 11 and 18 have been canceled without prejudice, waiver, or disclaimer. Claims 1, 2, 5, 6, 8, 9, 12, 13, 15, 17, 19 and 22-27 have been amended. No new matter has been added.

The rejection of Claims 1-3, 5-7 and 22-25 under 35 U.S.C §112, second paragraph, is respectfully traversed. Applicant has amended Claims 1 and 22. Claim 3 has been canceled. Claims 2, 5-7, and 25 depend, directly or indirectly, on independent Claim 1 and Claims 23-24 depend on independent Claim 22. Applicant respectfully submits that Claims 1, 2, 5-7 and 22-25 particularly point out and distinctly claim the subject matter which the Applicant regards as their invention. Accordingly, Applicant respectfully requests that the section 112 rejection to Claims 1-3, 5-7 and 22-25 be withdrawn.

The rejection of Claims 1-3, 5-7, 17, 19-25 and 27 under 35 U.S.C §101 as being directed to non-statutory subject matter is respectfully traversed.

Applicant respectfully traverses the statement in the Office Action that Claims 1-3, 5-7, and 25 are directed to non-statutory subject matter because they lack any recitation of technology in the body of the claims. Applicant has amended Claim 1. Claim 3 has been canceled and Claims 2, 5-7, and 25 depend, directly or indirectly, from independent Claim 1.

Applicant respectfully traverses the statement in the Office Action that with regards to Claims 17 there is no connection between the steps of prompting, developing, combining, and transmitting, and the step of receiving and as such, the claim is not clear, definite and statutory. Applicant has amended Claim 17.

Applicant respectfully traverses the suggestion in the Office Action that Claims 17-21 and 27 are directed to an abstract idea because the recitation of "a computer" is found only within the preamble of the claim.

Claim 17 recites a computer programmed to "prompt a user to enter product listing and pricing information data from multiple suppliers; develop an initial regression equation for each supplier based on the product listing and pricing information data; combine the initial regression equations for each of the suppliers into a final regression equation for a product line; transmit to the suppliers the final regression equation and a list of required products; and receive purchase contract bids from the suppliers, wherein to receive purchase contract bids from the suppliers said computer configured to receive the bids that are based on the final regression equation."

The Federal Circuit has held that "preamble language will limit the claim if it recites not merely a context in which the invention may be used, but the essence of the invention without which performance of the recited steps is nothing but an academic exercise." Griffin v. Bertina, 62 USPQ2d 1431, 1432 (Fed. Cir. 2002), and Boehringer Ingelheim Vetmedica, Inc. v. Schering-Plough Corp., 2003 WL 367880 (Fed. Cir. 2003). Applicant respectfully submits that the recitation of "a computer" as recited in Claim 17 limits the claim because it describes the essence of the invention. Applicant therefore submits that Claim 17 is directed to a useful apparatus, a computer, that is within "the technological arts". Accordingly, Claim 17 is directed to statutory subject matter, and is not directed to an abstract idea.

Dependent Claims 19-21 and 27 depend, directly or indirectly, from independent Claim 17, and these dependent Claims are submitted to satisfy the requirements of Section 101 for the same reasons set forth above with respect to independent Claim 17.

Applicant respectfully traverses the statement in the Office Action that Claims 22-24 are directed to non-statutory subject matter because they lack any recitation of technology in the body of the claims. Applicant respectfully submits that Claims 22-24 recite means-plus-function language and therefore be read in light of the specification. The plain and unambiguous meaning of paragraph six is that one construing means-plus-function language in a claim must look to the specification and interpret that language in light of the corresponding structure, material, or acts described therein, and equivalents thereof, to the extent that the specification provides such disclosure. In re Donaldson, 16 F.3d 1189, 1193, 29 USPQ2d 1845, 1848 (Fed.

Cir. 1004) (MPEP §2106). The specification, in paragraph 25, states, for example, "Server 12 accesses the pricing information from a supplier and generates an initial regression equation for each supplier's product line. Once the initial regression equations have been generated for each of the multiple potential suppliers, server 12 is further configured to combine the initial regression equations into a final regression equation." Accordingly, Applicant respectfully submits that Claims 22-24, when read in light of the specification, are directed to statutory subject matter considered to be within the technological arts.

For at least the reasons set forth above, Applicant respectfully requests that the Section 101 rejection of Claims 1-3, 5-7, 17, 19-25 and 27 be withdrawn.

The rejection of Claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Huang et al. (U.S. Patent No. 6,151,582) is respectfully traversed.

Huang et al. describe a method including generating a basic regression model that calculates weekly retail sales for an item i at a time t and includes $\Sigma_j \delta_j CP_{jt}$, where CP_{jt} are numbers which reflect prices charged for items provided by competing vendors (column 55, lines 55-57, column 56, lines 4-10). All data required for this model are available in data sources (column 56, lines 10-12). The only possible exceptions are the CP_{jt} (column 56, lines 11-14). CP_{jt} may not be available in some commercial supply chain settings (column 56, lines 13-14). If so, the item $\Sigma_j \delta_j CP_{jt}$ is eliminated from the basic regression model (column 56, lines 14-16). The method also includes developing customer-specific sales forecasts based on historical shipment data (column 13, lines 1-3).

Claim 1 recites a method for facilitating auctioning of a pricing model, the method comprising the steps of "receiving product listing and pricing information data from multiple suppliers; developing, by a server, an initial regression equation for each supplier based on the product listing and price information data; and combining, by the server, the initial regression equations for each of the suppliers into a final regression equation for a product line; and receiving purchase contract bids from the suppliers, wherein the bids are based on the final regression equation."

Huang et al. do not describe or suggest a method for facilitating auctioning of a pricing model as recited in Claim 1. Specifically, Huang et al. do not describe or suggest receiving purchase contract bids from the suppliers, where the bids are based on the final regression equation. Rather, Huang et al. describe developing a basic regression model that calculates weekly retail sales for an item i at a time t and developing customer-specific sales forecasts based on historical shipment data. Accordingly, Huang et al. do not describe or suggest receiving purchase contract bids that are based on the final regression equation. For the reasons set forth above, Claim 1 is submitted to be patentable over Huang et al.

Claim 3 has been canceled. Claims 2 and 5-7 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2 and 5-7 are considered in combination with the recitations of Claim 1, Applicant submits that Claims 2 and 5-7 likewise are patentable over Huang et al.

Claim 8 recites a system for facilitating auctioning of purchase contracts for engineered products by implementing pricing models, the system comprising "at least one device; a server configured to: receive product listing and pricing information data from multiple suppliers; develop an initial regression equation for each supplier by utilizing the product listing and price information data; combine the initial regression equations into a final regression equation for a product line; and receive purchase contract bids from the suppliers, wherein the bids are based on the final regression equation; and a network connecting said at least one device to said server."

Huang et al. do not describe or suggest a system for facilitating auctioning of purchase contracts for engineered products as recited in Claim 8. Specifically, Huang et al. do not describe or suggest a server configured receive purchase contract bids from the suppliers, wherein the bids are based on the final regression equation. Rather, Huang et al. describe developing a basic regression model that calculates weekly retail sales for an item i at a time t and developing customer-specific sales forecasts based on historical shipment data. Accordingly, Huang et al. do not describe or suggest a server configured to receive purchase contract bids that are based on the final regression equation. For the reasons set forth above, Claim 8 is submitted to be patentable over Huang et al.

Claim 10 has been canceled. Claims 9 and 12-16 depend, directly or indirectly, from independent Claim 8. When the recitations of Claims 9 and 12-16 are considered in combination with the recitations of Claim 8, Applicant submits that Claims 9 and 12-16 likewise are patentable over Huang et al.

Claim 17 recites a computer programmed to "prompt a user to enter product listing and pricing information data from multiple suppliers; develop an initial regression equation for each supplier based on the product listing and pricing information data; combine the initial regression equations for each of the suppliers into a final regression equation for a product line; transmit to the suppliers the final regression equation and a list of required products; and receive purchase contract bids from the suppliers, wherein to receive purchase contract bids from the suppliers said computer configured to receive the bids that are based on the final regression equation."

Huang et al. do not describe or suggest a computer as recited in Claim 17. Specifically, Huang et al. do not describe or suggest a computer configured to receive purchase contract bids from the suppliers, where to receive purchase contract bids from the suppliers the computer configured to receive the bids that are based on the final regression equation. Rather, Huang et al. describe developing a basic regression model that calculates weekly retail sales for an item i at a time t and developing customer-specific sales forecasts based on historical shipment data. Accordingly, Huang et al. do not describe or suggest a computer configured to receive the bids that are based on the final regression equation. For the reasons set forth above, Claim 17 is submitted to be patentable over Huang et al.

Claims 19-21 depend, directly or indirectly, from independent Claim 17. When the recitations of Claims 19-21 are considered in combination with the recitations of Claim 17, Applicant submits that Claims 19-21 likewise are patentable over Huang et al.

Claim 22 recites apparatus comprising "means for receiving product listing and pricing information data from multiple suppliers; means for developing an initial regression equation for each supplier based on the received product listing and pricing information; means for combining the initial regression equations for each of the

suppliers into a combined regression equation for a product line; and means for receiving purchase contract bids from the suppliers, wherein the bids are based on the combined regression equation."
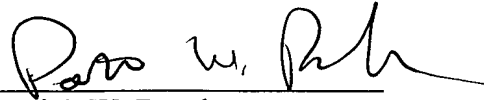
Huang et al. do not describe or suggest apparatus as recited in Claim 22. Specifically, Huang et al. do not describe or suggest means for receiving purchase contract bids from the suppliers, where the bids are based on the combined regression equation. Rather, Huang et al. describe Huang et al. describe developing a basic regression model that calculates weekly retail sales for an item i at a time t and developing customer-specific sales forecasts based on historical shipment data. Accordingly, Huang et al. do not describe or suggest means for receiving purchase contract bids that are based on the combined regression equation. For the reasons set forth above, Claim 22 is submitted to be patentable over Huang et al.

Claims 23 and 24 depend from independent Claim 22. When the recitations of Claims 23 and 24 are considered in combination with the recitations of Claim 22, Applicant submits that Claims 23 and 24 likewise are patentable over Huang et al.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-24 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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